The Daily Gazetteer.

Numb. 2309

Tuesday, November 16. 1742.

WHatever Appearances there may be of the contrary, the high Notions I have of some People's Ingenuity and Integrity forces me to believe, that uncontrouled Liberty of Sentiment is what they define, and the utmost Freedom of Speech and Writing what they would willingly allow; and this emboldens me to the Freedoms I take. I cannot explain what they mislike in others, Qualities on which they expect to be valued; nor can it enter into my Head, how such a Thing is apprehend it not only lawful but expedient, not barely proper but necessary and praise-worthy, to instruct Senators, and give Laws to their Lawgivers should refuse to hear Reason, when offered to themselves.

Taking Things therefore in this Light, I presume to remark, That if their Zeal for Liberty will justify their Conduct (as I sincerely wish it may) then Respect for the Constitution, to which indisputably this Nation owes its Liberties, and without which it can never preserve them, may, or I am much mistaken, give some Kind of Sanction to what I write. In truth, I think it would be hard, if Men were at full Liberty to use what Language they please in support of their own Political Ideas, which may be wrong as well as right, and at the same time any Man run the Hazard of being ill-used, or even thought of, for vindicating the Constitution, the only true Political Criterion we have.

But, methinks, I hear one of our new Lawgivers crying out, What would this Fellow have? Who medles with the Constitution? Who would hurt the Constitution? Are we not its best Friends? Why such Language to us? But, Patience a little, I see the Thing in another Light. If I am a Fool, bear with me; if I am no Fool, hear me. I think, Instructions to the Members of the House of Commons, as they are now managed, no way agreeable to our Constitution; nay more, I am afraid they have a direct Tendency to destroy it. I observe, I only state this as my own Opinion; I accuse none for thinking or having thought otherwise; I don't say, nay, I don't imagine, that such as differ with me, intend to destroy the Constitution: But I should be sorry to hear them, the Mischief once done, excuse themselves from the Uprightness of their Intentions. I shall prefer you my Reasons for believing this, and if you will calmly answer them, think what you will of me.

It seems to me these Instructions are not well-founded, because where I find the fullest Accounts of our Government and Constitution, I find not one Word of them. In the Statute-Book, amongst so many Laws relating to Elections, Qualifications, and Limitations of Parliaments, there is no mention of Instructions. The *Modus Parliamenti* is an old Book, a very old Book, in great Credit and Esteem with our best Lawyers and greatest Patriots, but there we find nothing as to Instructions. We have not a Word of them in all *Petyt's Jus Parliamentarium*. The *Lex Parliamentaria* is a modern Book, a very modern Book; but the Author has visibly consulted such as have treated this Subject before him, yet even here have we nothing of Instructions. I cannot for my own part imagine how this should come to pass, if Instructing were as inherent as Electing. Every Matter of Right may be proved by Record, or must depend on unintermpted Custom, which is a Kind of unwritten Record; but in this so material, so important a Point, I never heard of an Original Record that could be produced, or so much as Immemorial Custom pretended. In any other Case this would be looked on as proper Reasoning, and why it should not be so here, I profess I cannot see.

But then to confirm this, and to prove what has been before advanced no rash Conjecture, or ill-grounded Suggestion, let us consider, That according to the present Practice there is very little Certainty as to this Business of Instructing. Sometimes it is done by one Set of Men, sometimes by another; in one Place 'tis a solemn Act under a Publick Seal, in another a common Letter written after Dinner. Here, a Regular Assembly is summoned for that Purpose, and there it suffices if a few People meet at a Tavern. Methinks this has not much the Air of a Legal Proceeding; one can scarce believe that the Constitution, which is so very exact in whatever it relates to Parliaments, should be so loose in this, which is of as great Importance as any. It is improbable and unlikely; at least it would be thought so in another Case: And to me, what would seem amiss and absurd in a Matter of small Consequence, would appear much more so in a Business of the utmost Importance.

There is something in this Practice directly repugnant to the Nature of that Employment in which those officiate to whom Instructions are directed. In the Title of such Papers those they are addressed to are stiled *Representatives*; and in this light, no doubt, they are considered by our Constitution, which intended to give a Share to the People in the Government, and by this Choice of Members rendered it practicable, the Authority of Many, for the Sake of exerting it, being devolved on a Few. For this Reason, in the Speeches on the bringing up Acts for Supplies, what is done by the House of Commons is attributed to the People. In Charges or Impeachments the Phrase is always the *Commons of Great Britain*; and it is a known Rule in Parliamentary Proceedings, That the Privileges of the House are the Privileges of those they represent. But, surely, a Representative is one who stands in the Place of another, with Power to act for that other as if He, or if he represents more, as if they were present, and acting for themselves. Yet Instructions quite alter the Case, and from a Representative make such a Member a meer Deputy, govern'd by other Folks Sentiments (at least if he obeys them) which nothing in our Constitution warrants, and which the whole Frame of it tacitly condemns.

Hitherto I have insisted on the Unreasonableness and Inexpediency of these Sort of Instructions, I shall next say somewhat as to the Absurdity and Danger of them And first let me remark, that they totally change our Constitution, by erecting a new Power, unknown to our Ancestors. Heretofore certainly King, Lords and Commons, were our acknowledged Legislature. According to this Scheme, the People, in their collective Capacity, make a Fourth Estate; and if they are allow'd the Power they now claim, of putting a Negative upon Supplies, the Case is clear, our Government, instead of being what it has been so long thought, Monarchical, is in truth become Democratical. Nor is this to be avoided by saying, that Members are not absolutely bound by such Instructions, because those who send them certainly think the contrary, and either strongly insinuate, or plainly tell their Representatives, that if they do not act according to their Instructions, they will punish them, by removing and laying them aside, when Power returns next into their Hands. Now, as this is the only Punishment they could inflict on their Representatives for Neglect or Breach of Duty, it is plain, that not obeying Instructions is considered as such, which shews, that those who assume this Power of Punishing, conceive they have such a Right as I have represented residing in them.

Yet if we consider this Notion of the Power of the People in reference to Liberty, we shall readily discern, that it can never operate for their Service, but may easily become the Means of depriving them of Freedom. If at all times, or at the Beginning of every Sessions, those who send Members to Parliament, or those who live in the Places for which such Members are sent, if in some Places a Majority, if in others, a very small Number of their Constituents have a Right of instructing their Members, then it will necessarily follow, that the Nation's Representatives may receive contrary Instructions; nay, it is not at all impossible, that the same Member may receive contrary Instructions; and so the Manner of executing this Scheme will frustrate the Intention of it, and instead of creating Unanimity, will compell Disturbance, and force Gentlemen, in spite of their own Sentiments, and contrary to their natural Dispositions, upon endless as well as needless Disputes. And, as nothing can be more dangerous than such a Power, as I have shewn this Practice will lodge in the Hands of the People in the last Paragraph, so nothing can be more absurd than the Consequences which must flow from it, as I have demonstrated in this.

That I have not exaggerated the Matter, or push'd things too far, will clearly appear from hence, that some of these very Instructions intimate an *Appeal* to the *People*. Now how much this would be to the Advantage of the People, from what happen'd a hundred Years ago, we may from History very certainly learn. K. *Charles* I. appealed to the People against their Representatives, their Representatives appealed at the same time to the People against the King, till at last the Cause came to be decided by the only Method that can be prescribed on such Appeals, I mean, by that of the Sword. The Event was the very same which commonly happens when Parties are too obstinate in Suits of Law, that is to say they were both undone, the King first, and the People afterwards. And thus any reasonable Man may see, that the only *Accession of Liberty* which the People can gain by asserting this Right is, the *Liberty* of *ruining themselves*, which is indeed the *only Kind of Liberty* not *left* them by the Constitution.

Yesterday arriv'd a Mail from Holland.

Stockholm, Nov. 6.

BY an Edict published the 25th of last Month, his Majesty enjoins all the Officers of the Navy who have had Leave of Absence, to return by the End of March next, on pain of losing their Posts. Great Convoys of Ammunition and Provisions have been sent to Bosnia, and our Plenipotentiaries are not set out for the Place of the Congress as has been reported.

Modena, Nov. 3. There has been a few Days ago a kind of an Action in the Bolonois. The Spaniards, to the Number of 4000 Men, attempted to surprize a Post in the Neighbourhood of Spilenberg, where the Austrians had only 200 Horse; but the latter were so happily covered, and made so good a Defence, that they were not only forc'd to retire without effecting their Design, but the next Day a Party from this Detachment carried off a Lieutenant Colonel and some other Officers in the Spanish Service. We have since receiv'd Advice, that the Spanish Army is retiring into Romagnia.

Vienna, Nov. 7. His Royal Highness the Grand Duke has thought proper to recall Part of the Forces he left with Prince Lobkowitz, that he may be in a Condition to act offensively against the Enemy. The Court is resolv'd to have a greater Number of Croats, Pandours, and Talpasches, in the Service next Year than they had the last, and will also raise 10 new Regiments of Hussars, each of 1100 Men, but instead of Troops will be contented with a Subsidy in Money from the Nobility of Hungary.

Ratisbon, Nov. 15. The French Army which pass'd the Danube incamp'd on the 13th within three Leagues of Straubingen, and their Rear-guard which remain'd on this Side the River are likewise incamp'd at Wohrt, and have thrown a Bridge over the Danube, by which they have a Communication with the grand Army. It appears that the French intend to make Stadtamhoff a Place of Arms, in order to which they are raising some Fortifications and erecting large Magazines.

Hague, Nov. 20. We have just now receiv'd Advice, that the Grand Duke has join'd Baron Berenclau with the Forces under his Command at Wellshoven, and is thereby in a Condition not only to cover Austria and Moravia, but to attack the Enemy if he judges it proper, or to harrass them perpetually by his irregular Troops.

IRELAND.

Dublin, Nov. 6. Thursday last being the Anniversary of the Birth-day of the late King William III. of Glorious Memory, the yearly Bounty of the late James Knight, Esq; was distributed among 200 poor People.

He bequeathed one English Shilling to be given away in this Manner for ever on that Day, inclosed in a Paper containing the following Words,

'Nov. 4.

'To the end Poor as well as Rich may rejoice on this 'Memorable Day

'This 13d is given you, that when you refresh your-'self thereby, you may be thankful to God Almighty for 'sending the Great King William, of Glorious Memory, 'to Ireland, and giving him Victory over the Popish Ar-'my at the Boyn, in the Year 1690; whereby the Pro-'testants of this Kingdom were restored to their Posses-'sions, and delivered from Popery and Slavery.'

An exact List of what the late Lord Mayor, William Aldrich, Esq; took up during his Mayoralty, as carefully taken from a true Copy, viz. 120 Carcasses, 297 Quarters, 109 Shoulders, and 20 Legs of Mutton; of Veal, 9 Carcasses, 96 Quarters, 53 Shoulders, 3 Legs, and 60 Heads; 67 Quarters of Lamb; 699 Pound of fresh Butter; Bread to the Value of 86l. 14s. 4d. all which were sent to the several poor Prisoners in Dublin, and to the Relief of reduced Citizens.

HOME PORTS.

Bristol, Nov. 13. Came in since our last the Totness, Deverell, from Barbados; the Hanover, Romney, and the Vernon, Forrest, both from Virginia; and also a Vessel belonging to Topsham from Newfoundland, but cannot learn her Name.

Arrived at Portmahone, the Hibernia, Comerford, from Cork. At Virginia, the George, Tovey, from Africa. At Newfoundland, the Unity, ———. At Carolina, the Martha, Lang, and the Brockley, Wittle, all three from this Port.

Falmouth, Nov. 11. Wind N. W. and blows hard. Sailed the Expedition Packet, Cles, for Lisbon; and his Potomack Merchant, Kempthorne, for Maryland.

Plymouth, Nov. 11. Since my last came in the Patience, Dean, from Newfoundland for Pool. Sailed the Majesty's Ship the Carcase Bomb for Bristol, to impress Seamen.

Dartmouth,

Dartmouth, Nov. 12. Wind N. On the 10th inſtant came in here the Proſperous, Perry, from Newfoundland. 'She was bound to New-England, but meeting 'with hard Gales of Wind was obliged to cut away her 'Main and Mizen Maſts; and the Winds continuing 'Weſterly, is the Reaſon why ſhe bore up for this 'Place.' Came in alſo at the ſame time the Charming Molly, Mullins, for Rotterdam from Cork.

Pool, Nov. 13. Came in the Love, Bailey, from Newfoundland; the Bennet and Martin, Martin, from Newcaſtle; the William, Thompſon, the Induſtrious Bee, Durell, the Joanna, Linthorne, and the Thomas and Elizabeth, Henning, all from London. 'This laſt-mentioned Veſſel ſailed from hence on Friday the 29th 'ult. at ten in the Morning, and got to her Moorings 'in the River at twelve o'Clock next Evening, Diſtance 'about 80 Leagues.

Dover, Nov. 10. Wind E. N. E. Since my laſt ſailed the Elizabeth, Perdue, for New-York. Came in the Roſe, Yeoman, from Oſtend; the Dolphin, Walker, from Sunderland; and the Frontye-Van-Overſett, Jacobs, from Rotterdam, both for St. Valory, the Unity, Thiſtleworth, from Newcaſtle for Oſtend; the Speedwell, Laws, from Sunderland; the Providence, Blinſton, from Newhaven; and the Mary and Elizabeth, Barefoot, from Dunkirk; all for London.

Deal, Nov. 13. Wind S. S. E. Remain in the Downs his Majeſty's Ships the Sheerneſs, Royal Eſcape, and Grenade Bomb. Arrived the Loyal Herbert, Herbert, from Exeter.

Deal, Nov. 14. Wind N. E. Remain the three King's Ships, as per laſt.

Graveſend, Nov. 14. Paſs'd by the Parham Club, Woodward, from Antigua; the London, Read, from Carolina; the Dorothy, Liſter, from Petersburgh; the Joſhua and John, Harvey, from Riga; the Mary, Cowling, the Providence, Neskill, and the Nathaniel, Rainsford, from Norway; the Union, Klinkart, and the Queen of Hungary, Ruſſell, from Amſterdam; the St. Agnes, Oliver, the Elizabeth, Triſt, the Conſtant, Jackſon, the Montague, Richards, and the Reſtoration, Martin, from Oſtend.

Arrived

At Leghorn, the Trine Galley, Schute, from Petersburgh.

At Amſterdam, the Lady Ann, Vinck, from London.

At Liverpool, the Goodwin, Dormett, from Virginia.

LONDON.

Upon the Declaration of the Duke of Holſtein Succeſſor to the Crown of Sweden, Count Gillenberg gave a grand Entertainment to the French and Spaniſh Miniſters, and to a great Number of the Nobility in the Intereſt of that Prince.

A new Alliance has been concluded between their Hungarian and Sardinian Majeſties, in conſequence of which it is ſaid very vigorous Meaſures will be taken in Italy.

The Hungarian Troops have ſurrounded the French who took Poſt at Leutmaritz, and there are ſome private Letters at Dreſden which ſay that they have ſurrender'd Priſoners of War.

The Marquis de la Chetardie is actually retired from the Court of Berlin, purſuant to the Account we gave in a former Paper.

The Biſhop of Liege has made a warm Complaint to the Dyet at Francfort, on account of the Hanoverian Troops marching into and taking Quarters in his Dominions againſt his Will.

The Emperor has entirely abandon'd the Deſign he had of returning to Munich.

The States of the little Province of Limbourg, in the Low Countries, have granted the Queen of Hungary a Subſidy of 89,600 Florins.

The Ann, Kennell, for London, coming from Old Harbour to Kingſton in Jamaica ſprung a Leak, and 'tis thought ſhe will be condemn'd.

On Friday laſt died, after a lingering Illneſs, Mr. John Downam, an eminent Dry-Cooper in Faſhon-ſtreet, Spittal fields.

The ſame Day died in Scotland-yard, Mrs. Arnold, Wife of Edw. Arnold, Eſq; Clerk of the Kitchen to his Majeſty and Clerk of the Debentures in the Cofferer's Office.

		Morning		Evening	
High Water this Day at London-Bridge.	}	02	13	02	35

Bank Stock, 142 1-half. Ditto Subſcription, 4 3-4ths to 5-8ths Prem. India, 175. South Sea, 112. Old Annuity, 113 7-8ths to 5-8ths. New ditto, 114 1-half to 3-8ths. Three per Cent. Annuities, 101 3-4ths to 3-8ths. Seven per Cent. Loan, 111 1-half. Five per Cent. ditto, 78 5-8ths. Royal Aſſurance, 84. London Aſſurance, 11 1-half to 5-8ths. India Bonds, 4 l. 10 s. to 9 s. Prem. Bank Circulation, 3 l. 5 s. Prem. Salt Tallies, 102 3-4ths. Three 1-half per Cent. Exchequer Orders, 104 1-4th. Three per Cent. ditto, 98 1-half. Million Bank, 115. Equivalent, 112.

Admiralty-Office, November 11, 1742.

WHereas *the Lords Commiſſioners of the Admiralty have given Orders for the Foremaſt Men of the* Princeſs Louiſa, *and as many of her Petty Officers as can be provided for in the ſame Stations, to be turned over into the* Monmouth *in Longreach, and that when the ſaid Ship gets down to the Nore, they ſhould be paid to the 31ſt of December*, 1740. *and have Three Weeks Leave to be aſhore, and when they return on board be paid the Remainder of their Wages for the* Princeſs Louiſa, *and Two Months Wages Advance before the* Monmouth *proceeds to Sea; their Lordſhips do hereby give Notice, That if they do not immediately go on board the* Monmouth *to navigate the ſaid Ship down to the Nore, they will not only loſe their Wages for the* Princeſs Louiſa, *but be apprehended and tried at a Court Martial as Deſerters.*

Thomas Corbett.

In a few Days will be Publiſh'd,

A new, beautiful, and correct Edition (with the Addition of POLITE CONVERSATION *and other Pieces) of*

THE Seventh, Eighth and Ninth Volumes of MISCELLANIES in PROSE and VERSE,

By Dr. SWIFT.

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Printed for C. Davis, againſt Grays-Inn in Holbourn: and C. Bathurſt, at the Croſs-Keys againſt St. Dunſtan's Church in Fleet-ſtreet.

This Day are Publiſh'd,

PROPOSALS *for Printing by* SUBSCRIPTION

BIBLIOTHECA HARLEIANA,

A Catalogue of the Library of the late Earl of *Oxford*,

Purchaſed by

THOMAS OSBORNE, in *Gray's-Inn.*

To which is annexed,

An Account of the HARLEIAN LIBRARY,

To be had at the abovelaid T. *Oſborne*'s.

As it is imagined that the approaching Sale of ſo eminent a Collection will excite, in an uncommon Degree, the Curioſity of the Publick, it is intended, not only to receive Subſcriptions according to the Propoſal, but to publiſh the Catalogue in Twelve Numbers, of Five Sheets each, at One Shilling, of which Number the Firſt will be delivered on the Eleventh of December next.

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Dr. *BATEMAN*'s Original and ONLY TRUE Wholeſale and Retale WAREHOUSE at the *Printing-Office*, [illegible] the South Door of *Bow-Church*, the Lower End of the Church-Yard, from *Cheapſide*, LONDON.

THE Daily Succeſs which has conſtantly attended the Taking Dr. *BATEMAN*'s PECTORAL DROPS, in the ſeveral Diſtempers of *Colds*, Coughs, Pains in the *Breaſt*, *Limbs*, and *Joints*; has gain'd them univerſal a Character, that few Families care to be without them in their Houſes. —— Beſides the Diſtempers above mentioned, there *is no one Medicine, ſince the Diſcovery of the Art of Phyſick*, that will give a Speedier Relief and Eaſe in *Rheumatick Pains*, *Gout*, *Stone*, *Gravel*, *Cholick*, *Flatus*, &c. Innumerable Inſtances might be given of the Happy Effects thereof, but we chooſe to refer to a Book, call'd, *A Treatiſe of the Virtues of Dr. BATEMAN*'s PECTORAL DROPS, given *Gratis*, at the Warehouſe above-ſaid; where Shop-keepers, &c. in any City, Town, or Village, where theſe *Drops* are not already Sold, may be ſupplied, with an Allowance to ſell again, by Directing or Sending to the PATENTEE,

BENJAMIN OKELL,
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☞ The Surprizing Encouragement, which by ſuch Succeſs, theſe *moſt Valuable Drops* have, for upwards of Twenty *Years*, met with, not only in *Great Britain* and *Ireland*, but in all Parts of the *Weſt-Indies*, and other *Foreign Countries*, has lately induced ſeveral mean and mercenary Pretenders to *Counterfeit* them; and by imitating our Seal, Bill of Directions, and Show-Boards, with our Method of Advertiſing as near as they can or dare to do, without making them the ſame, thereby impoſe their *dangerous Compoſitions* upon the unwary and credulous Shop-keepers both in Town and Country, for the True and Genuine Sort.

THE PATENTEE and Company therefore, in Gratitude for the univerſal good Reception they have *ſo long* met with, and for the Safety of thoſe who for the future may be deceived in uſing the ſame, think themſelves abſolutely obliged to give this neceſſary Caution;

Which they earneſtly requeſt may be obſerved,

THAT the Bottle they Buy is not Sealed with the Boar's Head, but has these Words round it, BY THE KING'S PATENT, as in the Margin; and that the Names of the PATENTEE, *Benjamin Okell*, *William* and *Cluer Dicey*, be in the Bill of Directions given with each Bottle, without which you may be aſſur'd it is a *notorious Counterfeit*, and may be of the moſt *dangerous Conſequence*.

N. B. *That theſe* DROPS *are alſo Sold* Retale (as well as Wholeſale) *at the Warehouſe aforeſaid, at* One Shilling *a Bottle, containing three Doſes.*

The only true Specifick Tincture

For the TOOTH-ACH, *and all Diſeaſes and Defects of the* TEETH *and* GUMS *whatever, which in ſuch intire Satisfaction to the Nobility and Country for above Twenty Years paſt, by its vaſtly excelling all other Things, ever formerly invented or lately contrived for thoſe Purpoſes;*

SINCE one Drop of it gives infallible and inſtant Eaſe in the moſt tormenting Pain, which nothing elſe will, and not only takes it away in a Moment, but abſolutely cures the TOOTH-ACH, ſo as certainly to prevent a Return,

As only once uſing it makes the fouleſt Teeth moſt beautifully white, aſſuredly faſtens thoſe that are looſe, and infallibly preſerves the Teeth from growing rotten, and thoſe a little decay'd, from becoming worſe: It perfectly cures the Scurvy in the Gums, cauſing them to grow up to the Teeth again in a few Minutes, and alſo occaſions a Sweet Breath.

It is neither diſagreeable to the Smell or Taſte, but effectually preſerves the Teeth and Gums from all Manner of Putrid Corruption, and Putrefaction, keeps them ſound, good, and in moſt beautiful Order, and may be depended upon to anſwer the Character here given of it, literally, and in every Inſtance, as Perſons innumerable have experienc'd.

But theſe inimicable Qualities, and ſolely inherent Virtues by which it has juſtly gain'd ſuch an univerſal and unparallel'd great character, have occaſion'd, as uſual in ſuch caſes, various and frequent Endeavours to mimick it, ſome under the ſame Name and in the very Words of this Advertiſement, and others under other Names; be careful, therefore, to have the right, which may be infallibly relied upon, and which is to be had only of the Author's Appointment, of the Gentlewoman, at the Sign of the Blue-Poſts, in Haydon-Yard, in the Minories, London, at 1 s. a Bottle, with Directions.

Good Allowance to thoſe who take Quantities for Exportation.

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